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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,629	12/07/2000	Steven M. French	AUS920000812US1	1076

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EXAMINER

NGUYEN, THANH

ART UNIT PAPER NUMBER

2144

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/731,629

Applicant(s)

FRENCH ET AL.

Examiner

Tammy T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some.\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_



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***Detailed Office Action***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 3, 2005 has been entered.
2. Claims 1-9, 11-27 have been examined.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Beelitz et al. (USPN 6,182,275- – Date of Patent: January 30, 2001, herein referred to as “Beelitz”).

5. As to claim 1, Beelitz teaches the invention as claimed, including a method of generating a list of target devices to be configured in communication with a server, wherein the target devices are persistently and concurrently in communication with the server by means of a network, comprising: creating a first list of target devices to be configured (col.7, lines 35-40, lines 48-51); identifying at least one addressed target device having an associated network address (Fig.1, Target computer system 137 associated with network connection 110, and col.15, lines 55-60); modifying the first list of target devices using the addressed target device (col.16, lines 4-10); and generating a modified list of target devices to be configured (col.18, lines 5-10).

6. As to claim 2, Beelitz teaches the invention as claimed, wherein the addressed target device is listed in at least one information source (col.7, lines 35-40).

7. As to claim 3, Beelitz teaches the invention as claimed, further comprising: adding the associated network address of the addressed target device to the first list of target devices (col.3, lines 5-15).

8. As to claim 4, Beelitz teaches the invention as claimed, further comprising: adding

the addressed target device having an associated network address to the first list of target devices (col.17, lines 20-30).

9. As to claim 5, Beelitz teaches the invention as claimed, further comprising: removing the addressed target device having an associated network address from the first list of target devices (col.4, lines 59-64).

10. As to claim 6, Beelitz teaches the invention as claimed, further comprising: pre-configuring at least one pre configured target device (col.18, lines 60-67, and lines 5-10).

11. As to claim 7, Beelitz teaches the invention as claimed, further comprising: adding the pre configured target device to the first list (col.18, lines 60-67).

12. As to claim 8, Beelitz teaches the invention as claimed, further comprising:  
determining if a target device has an associated network address; and removing the target device from the modified list of target devices if it does not have an associated network address (col.7, lines 35-40).

13. As to claim 9, Beelitz teaches the invention as claimed, further comprising:  
configuring the target devices on the modified list (col.7, lines 4-56).

14. As to claim 11, Beelitz teaches the invention as claimed, further comprising:

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examining log data to determine if a target device has an associated network address (Fig. 1 Target computer and associated network 110).

15. As to claim 12, Beelitz teaches the invention as claimed, further comprising: providing the modified list to the server (col. 1, lines 40-55).

16. As to claim 13, Beelitz teaches the invention as claimed, including a computer program product in a computer usable medium for generating a list of target devices to be configured in communication with a server, wherein the target devices are persistently and concurrently in communication with the server by means of a network, comprising: means for creating a first list of target devices to be configured (col. 17, lines 35-40, and lines 48-50); means for identifying with an identification at least one addressed target device having an associated network address (col. 15, lines 55-60); means for modifying the first list of target devices using the addressed target device (col. 16, lines 4-10); and means for generating a modified list of target devices to be configured (col. 18, lines 5-10).

17. As to claim 14, Beelitz teaches the invention as claimed, further comprising: means for storing the identification of the addressed target device (Fig. 1, Target computer system 137).

18. As to claim 15, Beelitz teaches the invention as claimed, further comprising: means for adding the associated network address of the addressed target device to the first list of target devices (col. 3, lines 5-15).

19. As to claim 16, Beelitz teaches the invention as claimed, further comprising: means for adding the addressed target device having an associated network address to the first list of target devices (col.3, lines 5-15).

20. As to claim 17, Beelitz teaches the invention as claimed, further comprising: means for removing the addressed target device having an associated network address from the first list of target devices (col.7, lines 35-40).

21. As to claim 18, Beelitz teaches the invention as claimed, further comprising: means for pre configuring at least one target device listed in the first list (col.7, lines 45-50).

22. As to claim 19, Beelitz teaches the invention as claimed, further comprising: means for removing a target device without an associated network address from the modified list of target devices (col.8, lines 40-45).

23. As to claim 20, Beelitz teaches the invention as claimed, further comprising: means for configuring the target devices listed in the modified list.

24. As to claim 21, Beelitz teaches the invention as claimed, further comprising: means for examining packet data to determine if a target device has an associated network address (Fig.1 associated network 110).

25. As to claim 22, Beelitz teaches the invention as claimed, further comprising: means for examining log data to determine if a target device has an associated network address (Fig. 1 target computer system 137 associated with network 110).

26. As to claim 23, Beelitz teaches the invention as claimed, including a data processing system, the system including target devices and a server, wherein the target devices are persistently and concurrently in communication with the server by means of a network, comprising: means for creating a first list of target devices to be configured (see col. 7, lines 35-40, lines 48-50); means for identifying at least one addressed target device having an associated network address (see col. 15, lines 55-60); means for comparing the addressed target device to the target devices on the first list (see col. 10, lines 10-52, col. 16, lines 4-10); and means for generating a modified list of target devices to be configured based on the addressed target device (see col. 18, lines 5-10).

27. As to claim 24, Beelitz teaches the invention as claimed, further comprising: means for storing information about the addressed target device (see col. 7, lines 35-40).

28. As to claim 25, Beelitz teaches the invention as claimed, further comprising: means for configuring at least one target device (see col. 18, lines 5-10).




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29. As to claim 26, Beelitz teaches the invention as claimed, further comprising: means for determining if a target device has an associated network address (Fig.1 associated network 110).

30. As to claim 27, Beelitz teaches the invention as claimed, further comprising: creating a router list of target devices (see col.7, lines 35-40, lines 48-50); comparing the router list and the first list of target devices, and wherein modifying the first list of target devices using the addressed target device comprises modifying the first list of target devices based on the comparison (see col.10, lines 10-52, col.16, lines 4-10).

### ***Response to Arguments***

31. In response to applicant's arguments, the recitation "wherein the target devices are persistently and concurrently in communication with the server by means of a network" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

  
**BUNJOB JAROENCHONWANT**  
**PRIMARY EXAMINER**

*Conclusion*

32. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at **(571) 272-3929**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, David Wiley, may be reached at **(571) 272-3923**.

*TTN*  
June 9, 2005